IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO : 20263 of 2007

DATE:08.10.2007

Between:

Syed Haseena Begum

..... PETITIONER

AND

1. The Station House Officer, III Town Police Station, Nellore District, and another.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice A. Gopal Reddy)

This writ petition is taken up on the basis of the telegram, dated 19.09.2007 sent by the mother of Syed Rafi, the alleged detenu, addressed to the Hon'ble the Chief Justice, alleging that III Town Police, Nellore, took away her son into custody on 12.09.2007 at about 5.00 p.m. while he was catching fish and illegally detained him. On coming to know the said information, her husband rushed to the Police Station, found the alleged detenu injured in the hands of the police, and requested the police to release the alleged detenu from their custody so as to shift him to Government Hospital for medical treatment. Then the alleged detenu was shifted to Government Hospital on 12.09.2007. It is also alleged that the police officials are pressing them to withdraw the offence levelled against the police.

In response to the notice, the Sub-Inspector of Police, III Town Police Station, Nellore, filed counter affidavit stating that on receiving credible information on 12.09.2007 at 16 hours, himself and his officials rushed to Peddathota Kaluvakatta, R.N.Pet, Nellore at 17 hours, found five persons including the alleged detenu playing gambling "Kotha Mukka", which is a game of chance, arrested them and seized an amount of Rs.420/- from their possession under a cover of panchanama. Basing on the mediators' report, petty case Nos.1408 to 1412 of 2007 for the offence under Section 9(1) of A.P. Gaming Act were registered on 12.09.2007, and after taking them to the police station, they were released on the same day after obtaining self-bonds for an amount of Rs.1000/- each. The father of the alleged detenu also approached the first respondent for release of the alleged detenu. After receiving self-

bond from him, the alleged detenu was released on the same day itself. After completion of investigation a charge sheet has been filed before the Court of Special Judicial Magistrate of II Class, Nellore, which was taken on file as STC No.4841 of 2007 and posted for appearance of the accused on 12.10.2007. The other allegations that the son of the petitioner was forcibly took away by the police and he was beat with lathies by tying him to a pole, thereby he received cut injury on his right collarbone and on backside of the thigh portion, are denied.

Since the father of the alleged detenu came and furnished self bond to the police for release of the alleged detenu and he has not filed any complaint, the allegation made in the writ petition appears to be foreseeing that the police not to file any charge sheet, and to stall the investigation.

Accordingly, the Writ Petition is dismissed at the admission stage.

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(A. GOPAL REDDY, J.)

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(P. SWAROOP REDDY, J.)

8th October, 2007
Js.